

Rule 5005-2

FILING OF PETITION AND OTHER DOCUMENTS

(a) A petition filed by an attorney commencing a case under the Code shall be filed in an electronic format by either a Filing User utilizing CM/ECF or by a Non-Filing User through the submission of a virus-free, 3.5 inch diskette or CD which contains the scanned petition in PDF format with an image of the debtor(s)' original signature. The submitted diskette or CD shall contain a label that lists the debtor(s)' name, attorney's name and attorney's telephone number. Only one case shall be filed on a diskette or CD and shall follow the Court's published petition file format found at www.flmb.uscourts.gov. The attorney shall maintain the original petition for a period of four (4) years after the closing of the case. Non-Filing Users who are not attorneys shall file a petition in paper form containing the debtor(s)' original signature. Petitions received by the Clerk's Office via the United States Mail shall be stamped "Filed via Mail" and shall be deemed filed as of 10 o'clock Eastern Standard or Eastern Daylight Savings Time on the day received.

(b) The statement of financial affairs, schedules, statement of intentions and list of equity security holders shall also be included on the diskette or CD if filed with the petition. Otherwise, these pleadings shall be filed in an electronic format by either a Filing User utilizing CM/ECF or by a Non-Filing User through the submission of a virus-free, 3.5 inch diskette or CD which contain the scanned pleadings in PDF format with an image of the debtor(s)' original signature. The submitted diskette or CD shall contain a label that lists the debtor(s)' name, full case number, attorney's name and attorney's telephone number. The attorney shall maintain the original of these pleadings for a period of four (4) years after the closing of the case. Non-Filing Users who are not attorneys shall file the statement of financial affairs, schedules, statement of intentions and list of equity security holders in paper form containing the debtor(s)' original signature. The U.S. Trustee shall be served by the Court with a copy of these via electronic means in Chapter 7 and Chapter 11 cases only.

Notes of Advisory Committee

2004 Amendment

This amendment recognizes that additional paper copies will become unnecessary since petitions are accessible by electronic means. This rule also obviates the need for the U.S. Trustee, Chapter 13 Trustee, Chapter 7 Trustees to receive paper copies of petitions from Filing Users because each of these entities will have access to examine petitions via PACER under the CM/ECF system. Further, this amendment requires petitions, statement of financial affairs, schedules, statement of intentions and list of equity security holders filed by attorneys to be submitted in an electronic format.

2000 Amendment

This amendment deletes the requirement, contained in paragraph (c), that debtors provide to the Clerk service copies for all creditors of their Chapter 13 plans. Under practices that have developed in the Court, either the debtors or the Chapter 13 trustee serves the plans on creditors. The Clerk does not. The Clerk, therefore, has no need for service copies. This amendment simply harmonizes the rule with the practice.

This amendment is effective on December 1, 2000.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

Paragraphs (a), (b), and (c) of this rule were formerly paragraphs (a), (b), and (d) of Local Rule 2.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

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